

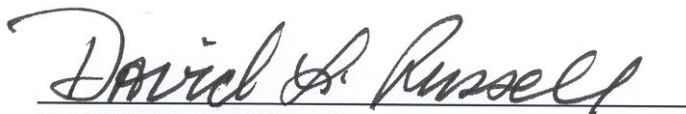
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

RANDALL S. WARE, et al.,)	
)	
Plaintiffs,)	
v.)	Case No. CIV-24-1125-R
)	
ALLETE CLEAN ENERGY INC., et al.,)	
)	
Defendants.)	

ORDER

Before the Court is Defendant Allete Clean Energy, Inc.’s Partial Motion to Dismiss [Doc. No. 4]. Plaintiffs Randall S. Ware, Randall D. Ware, Susan Ware, and Linda Ware responded [Doc. No. 14]. Defendant’s Motion seeks dismissal of Plaintiffs’ trespass claim for failure to allege an “actual physical invasion” of the property as required by Oklahoma law. *See Williamson v. Fowler Toyota, Inc.*, 1998 OK 14, ¶ 15, 956 P.2d 858, 862; Doc. No. 4 at p. 3. In their Response, Plaintiffs concede that the trespass claim [Doc. No. 1-3 at ¶¶ 18-19] should be dismissed. Doc. No. 14 at p. 1. The Court finds Plaintiffs’ concession appropriate. Accordingly, Defendant’s Motion is GRANTED and Plaintiffs’ claim for trespass is DISMISSED.

IT IS SO ORDERED this 19th day of November, 2024.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE